

Adopt Chapter 7, Article 1, and Section 86000 to read:

## CHAPTER 7: TRANSITIONAL HOUSING PLACEMENT PROGRAM

### Article 1. General Requirements

86000      GENERAL      86000

- (a) A Transitional Housing Placement Program (THPP) as defined in Section 86001t(1) shall be governed by the provisions specified in this chapter. In addition, such THPPs, except where specified otherwise, shall be governed by Chapter 1, General Licensing Requirements.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Section 1502, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

Adopt Section 86001 to read:

Post-hearing: Amend Sections 86001(i)(1) and Handbook Section (t)(4)(B) and Welfare and Institutions Code Section 11400(r) in Handbook to read:

86001      DEFINITIONS

86001

In addition to Section 80001, the following shall apply:

- (a)    (1)    "Administrative Office" means the central administrative headquarters of the licensee and is the component of the THPP Program that is licensed by the licensing agency.
- (b)    (Reserved)
- (c)    (1)    "Certificate of Approval" means the county approval as a condition of licensure according to Welfare and Institutions Code Section 16522.1.
- (2)    "Certificate of Compliance" means the document generated and retained by the licensee that verifies that the single housing unit meets the requirements of Health and Safety Code Section 1501(b)(5) and may be used as living quarters for THPP participant(s).
- (d)    (1)    "Department-Approved County THPP Plan" means a county THPP plan that is submitted by the county to the Department that states that the county's Independent Living Program will actively participate in the screening and supervision of THPP participants in accordance with Welfare and Institutions Code Section 16522.5.
- (e)    (Reserved)
- (f)    (Reserved)
- (g)    (Reserved)
- (h)    (1)    "Host County" means a county without a Department-approved plan that gives approval to a licensed THPP in another county to provide services to THPP participants in that host county.
- (2)    "Host County Letter" means a county letter authorizing a THPP provider licensed in an adjacent county to operate in the host county that does not have a Department approved THPP plan.
- (3)    "Host Family" is a variant of the remote site model and means a living situation where the THPP participant resides in a single housing unit with one or more adults approved by the THPP.

- (i) (1) "Independent Living Program (ILP)" means the program authorized under Title 42, Section 677(a)(1), of the U.S. Code (Social Security Act), for services and activities to assist children age 16 or older ~~in foster care/probation~~ who are either a dependent (Welfare and Institutions Code Section 300) or a ward (Welfare and Institutions Code Section 600) of the court to make the transition ~~from foster care/probation~~ to independent living.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (1) "Remote Site Model" means a single housing unit where the participant lives independently and where licensee staff do not live in the same building as the participant.
- (s) (1) "Single Housing Unit" means a living unit such as an apartment, single family dwelling, or condominium intended to house a THPP participant(s).
- (2) "Sub-Administrative Office" means any additional, independently licensed office set up by the THPP to supplement the services provided by the administrative office.
- (t) (1) "Transitional Housing Placement Program" means the licensed components, as well as the components that are certified by the THPP as meeting licensing requirements.
  - (A) The licensed components of the THPP are the administrative office that provides THPP administrative and operational functions, and the sub-administrative offices.
  - (B) The certified components of the THPP are the THPP units and the THPP staff residential units that also may house or allow access to THPP participants.

- (2) "Transitional Housing Program–Plus (THP-Plus)" means a transitional housing placement program not licensed by the Department, but, certified by counties to provide housing and supportive services, as needed, to THP-Plus tenants and THP participants who are aged 18 to 21 pursuant to Welfare and Institutions Code Section 11403.2(a)(2).
- (3) "Transitional Housing Placement Program Participant" (participant) means an individual placed in a THPP unit.
- (4) "Transitional Housing Placement Program Participant Living Unit" (THPP Participant Living Unit) means the single housing unit where the THPP participant resides as specified in Health and Safety Code Section 1559.110(d).

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- (A) Health and Safety Code Section 1559.110(d)(1) describes a model in which one or more participants live in an apartment, single-family dwelling, or condominium with an adult employee of the provider.
- (B) Health and Safety Code Section 1559.110(d)(2) describes a model in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider located in a building ~~rented or leased by the provider~~, in which one or more adult employees of the provider reside and provide supervision.
- (C) Health and Safety Code Section 1559.110(d)(3) describes a "remote site model" in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider and under the supervision of the provider, upon California Department of Social Services approval.

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- (5) "Transitional Housing Placement Program Staff Residential Unit" (THPP staff residential unit) means the residential unit where only the adult employee(s) and their child(ren) reside(s) as specified in Health and Safety Code Sections 1559.110(d)(2) and (3).
- (6) "Transitional Independent Living Plan (TILP)" means the written service delivery plan, available on the Child Welfare Services Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.

(u) (Reserved)

(v) (Reserved)

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

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Welfare and Institutions Code Section 11400(~~qr~~) provides:

"Transitional housing placement facility" means either of the following:

"~~a~~A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years old, and not more than 18 years old unless they satisfy the requirements of Health and Safety Code Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program."

Welfare and Institutions Code Section 11403 provides in part:

"A child who is in foster care and receiving aid pursuant to this chapter and who is attending high school or the equivalent level of vocational or technical training on a full-time basis prior to his or her 18th birthday, may continue to receive aid following his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Aid shall be provided such an individual pursuant to this section provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement."

Health and Safety Code Section 1559.110(d)(1), (2) and (3) provide in part:

"(d) ~~THPP~~ Transitional Housing Placement Program services shall include any of the following:

"(1) Programs in which one or more participants live in an apartment, single-family dwelling or condominium with an adult employee of the provider.

- "(2) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider located in a building in which one or more adult employees of the provider reside and provide supervision.
- "(3) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider under the supervision of the provider if the State Department of Social Services provides approval."

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Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: 42 USC Section 677; Sections 1559.110 and 1559.115, Health and Safety Code; and Sections 11400, 11403, 16522.1, and 16522.5, Welfare and Institutions Code.

Adopt Article 2 and Section 86005 to read:

Article 2. License Required

86005 LICENSE REQUIRED

86005

- (a) In addition to 80005, the following shall apply, except as specified in the Health and Safety Code Section 1559.110(c) and (e).
- (1) No individual, organization or governmental entity shall provide THPP services as described in Health and Safety Code Section 1559.110 without first obtaining a Transitional Housing Placement Program license from the licensing agency.
  - (2) A certified THPP as defined in Health and Safety Code Sections 1559.110(c) and (e) is exempt from licensure.

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- (A) Health and Safety Code Section 1559.110(e) provides:

"A transitional housing placement facility that serves only eligible youth over 18 years of age who have emancipated from the foster care system shall not be subject to subdivision (a), provided the facility has been certified to provide transitional housing services by the appropriate county social services or probation department, and has obtained a local fire clearance. No later than June 30, 2002, the department shall establish certification standards and procedures in consultation with the County Welfare Directors Association, the California Youth Connection, the county probation departments, and provider representatives. The certification standards shall include, but not be limited to, a criminal background check of transitional housing providers and staff."

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Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1503, ~~1503.5~~, 1505, 1508, 1509, 1520, 1559.110 and 1559.115 Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Adopt Section 86009 to read:

86009      AVAILABILITY OF LICENSE

86009

- (a)    The current license shall be posted in a prominent, publicly accessible location in the administrative office of the licensee.
- (b)    A photocopy of the current license shall be retained in the THPP staff residential unit, if applicable.
- (c)    A photocopy of the current license shall be posted in a prominent, publicly accessible location in the sub-administrative office.

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:            Sections 1508, ~~1514~~, and 1531, Health and Safety Code.



Adopt Section 86010 to read:

Post-hearing: Amend Section 86010(a)(1) and adopt Section 86010(a)(2) to read:

86010      LIMITATIONS ON CAPACITY AND AMBULATORY STATUS      86010

(a)      In addition to Section 80010 the following shall apply:

- (1)      Residents of a THPP participant living unit shall be limited to the THPP participant, children of participants, THPP employees and their children, if applicable, and ~~ex-participants~~ persons approved by the licensee, and authorized by the Department's Community Care Licensing Division, to remain in the THPP Unit.
- (2)      Other persons, as authorized by the Department's Community Care Licensing Division, may live in the remote site as described in Health and Safety Code Section 1559.110(d)(3).

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1531 and 1559.110, Health and Safety Code and Section 16522, Welfare and Institutions Code.

Adopt Article 3 and Section 86018 to read:

Post-hearing: Amend Sections 86018(a), (b)(3)(A), (b)(4) and Handbook Sections (b)(4)(B)(a) and (C) to read:

### Article 3. Application Procedures

#### 86018 APPLICATION FOR LICENSURE

86018

- (a) Prior to applying for a license, and in a county that has a Department-approved THPP plan, the applicant must submit to the county department of social services or the county probation department a program plan that meets the criteria outlined in the county THPP plan and includes the provisions of Welfare and Institutions Code Sections 16522 and 16522.61.
- (b) In addition to Section 80018, the following shall apply:
  - (1) The application shall be filed with the licensing agency designated to serve the THPP proposed geographic area of service.
  - (2) An applicant can be licensed to operate a THPP only in counties that have a Department-approved THPP plan.
  - (3) If a county does not have a Department-approved THPP plan the THPP provider may provide services in that county only if the provider has:
    - (A) A host county letter authorizing the THPP provider to provide services in that host county; and
    - (B) A license in an adjacent county that does have a Department-approved THPP plan.
  - (4) The application shall contain a Certificate of Approval from either the county department of social services or the county probation department, approving the applicant's plan of operation. The Certificate of Approval shall verify that the plan of operation meets the criteria outlined in the county THPP plan and includes the provisions of Welfare and Institutions Code Sections 16522 and 16522.61 as specified in Health and Safety Code Section 1559.115 ~~and Welfare and Institutions Code Section 16522.1.~~

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- (A) Health and Safety Code Section 1559.115 provides in part:

"No applicant shall be issued a license...unless the county department of social services or the county probation department, in the county where

the license will be issued, has certified the program as described in Section 16522.1 of the Welfare and Institutions Code."

(B) Welfare and Institutions Code Section 16522.1 provides:

"In order to be licensed pursuant to Section 1559.110 of the Health and Safety Code, an applicant shall obtain certification from the county department of social services or the county probation department that the facility program provides all of the following:

"(a) (1) ~~Strict-a~~ Admission criteria for participants in the program, including, but not limited to, consideration of the applicant's age, previous placement history, delinquency history, history of drug or alcohol abuse, current strengths, level of education, mental health history, medical history, prospects for successful participation in the program and work experience..."

"(2) The department shall review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of race, gender, sexual orientation, or disability.

"(b) Strict employment criteria that include a consideration of the employee's age, drug or alcohol history, and experience in working with persons in this age group.

"(c) A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.

"(d) A detailed plan for monitoring the placement of persons under the licensee's care.

"(e) A contract between the participating person and the licensee that specifically sets out the requirements for each party, and in which the licensee and the participant agree to the requirements of this article.

"(f) An allowance to be provided to each participant in the program. In the case of a participant living independently, this allowance shall be sufficient for the participant to purchase food and other necessities.

- "(g) A system for payment for utilities, telephone, and rent.
- "(h) Policies regarding all of the following:
  - "(1) Education requirements.
  - "(2) Work expectations.
  - "(3) Savings requirements.
  - "(4) Personal safety.
  - "(5) Visitors including, but not limited to, visitation by the placement auditor pursuant to subdivision(d).
  - "(6) Emergencies.
  - "(7) Medical problems.
  - "(8) Disciplinary measures.
  - "(9) Childcare.
  - "(10) Pregnancy.
  - "(11) Curfew.
  - "(12) Apartment cleanliness.
  - "(13) Use of utilities and telephone.
  - "(14) Budgeting.
  - "(15) Care of furnishings.
  - "(16) Decorating of apartments.
  - "(17) Cars.
  - "(18) Lending or borrowing money.
  - "(19) Unauthorized purchases.
  - "(20) Dating.

"(21) Grounds for termination that may include, but shall not be limited to, illegal activities or harboring runaways.

"(i) Apartment furnishings, and a policy on disposition of the furnishings when the participant completes the program.

"(j) Evaluation of the participant's progress in the program and reporting to the independent living program and to the department regarding that progress.

"(k) A linkage to the federal Job Training and Partnership Act (29 U.S.C. Sec. 1501 et. seq.) program administered in the local area to provide employment training to eligible participants."

(eC) Welfare and Institutions Code Section 16522.5 provides:

"Prior to approval of supervised THPPs in a county, the department shall approve a plan submitted by the county's independent living program that includes assurances that the independent living program shall participate actively in the screening of candidates for this program and shall assist the licensed agency in the supervision of clients participating in the program."

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Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1520, 1520.11, 1525.3, 1559.110, and 1559.115, Health and Safety Code; Sections 11401, 11402, 11403, 16522, 16522.1, 16522.2, 16522.5, and 16522.6, Welfare and Institutions Code; and 29 U.S.C., Section 1501 et. seq.

Adopt Section 86020 to read:

Post-hearing: Amend Sections 86020(a) and (b)(1) to read:

86020 FIRE CLEARANCE

86020

- (a) ~~In addition to~~ Notwithstanding Section 80020, the THPP shall secure and maintain for each THPP participant living unit any fire clearance required by and approved by the fire authority having jurisdiction.
- (b) The THPP shall request a fire clearance for the THPP participant living unit prior to residence of a non-ambulatory individual.
  - (1) The non-ambulatory individual may be the participant, ~~ex-participants~~ persons approved by the licensee and authorized by the licensing agency to remain in the apartment, the child of a THPP participant, a THPP employee, or the employee's child(ren).

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1520, 1531, 1531.2, 1531.4, 13234, and 13235, Health and Safety Code.

Adopt Section 86022 to read:

Post-hearing: Adopt Section 86022(a)(6) and amend Section 86022(a)(4)(I) to read:

86022      PLAN OF OPERATION

86022

- (a) In addition to Section 80022, excluding Section 80022(b)(9) and (b)(11), the plan of operation shall contain the following:
- (1) The street address and mailing address, if different, for the administrative office and sub-administrative office; street address for the THPP staff residential unit(s) if applicable; and the THPP participant living units.
  - (2) The licensee shall provide the licensing agency the business telephone number and the 24-hour emergency telephone number of the THPP licensee or designee.
  - (3) Complete job descriptions of all THPP employees, including number of staff, classification, qualifications and duties, information regarding lines of authority and staff responsibilities.
  - (4) A comprehensive program statement including:
    - (A) Goals of the THPP.
    - (B) Description of the youth to be served.
    - (C) Admission criteria for THPP participants, as specified in Welfare and Institutions Code Section 16522.1(a).
    - (D) Staff training plan shall include the following:
      1. Training new employees.
      2. Ongoing training.
      3. Training topics.
      4. Qualifications of the trainer.
    - (E) Detailed plan for monitoring the THPP participants.
    - (F) Procedures for responding to complaints and emergencies on a 24-hour basis.
    - (G) Contract to be used between the THPP and the THPP participant. The contract shall include:

1. The rights of each party; and
  2. Responsibilities of each party.
- (H) The procedures for determining the amount of allowance provided to each THPP participant, and the schedule for disbursement.
- (I) Procedures for payment or monitoring of utilities, telephone, and rent including the consequences for those participants who are unwilling or unable to meet their financial obligations or whose behavior is disruptive to the program and infringes on the rights of other participants in the program.
- (J) Program policies, as specified in Welfare and Institutions Code Section 16522.1(h).
- (K) Description of proposed THPP participant living unit furnishings, and policy regarding disposition of furnishings when the THPP participant completes the program.
- (L) Procedures for evaluating the THPP participant's progress.
- (M) Description of linkages with Job Training Partnership Act programs.
- (5) Procedures for the development, review, implementation and modification of the needs and services plan for participants placed in the THPP.
- (6) Separate rules and program design for youth who are in the foster care system and for youth who are no longer in the foster care system, but who are participating in the THPP.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1507, 1520, 1531, and 1559.110, Health and Safety Code; and Sections 11401 and 16522.1, Welfare and Institutions Code.



Adopt Section 86023 to read:

86023      EMERGENCY PLAN

86023

(a)      Notwithstanding Section 80023, the following shall apply:

- (1)      Each licensee shall develop and provide a current, emergency plan for the THPP participants.
- (2)      The emergency plan shall include emergency information, instructions and telephone numbers, including a 24-hour emergency number for the licensee and the participant's responsible party.
- (3)      The licensee shall ensure that each staff and resident understands and is capable of implementing the plan.

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1501, 1520 and 1531, Health and Safety Code.

Adopt Section 86024 to read:

Post-hearing: Amend Section 86024(a) to read:

86024 DEPARTMENT APPROVAL FOR REMOTE SITE MODEL

86024

- (a) Unless prior written licensing agency approval is received as specified in Section 86024(b) below, no licensee may place a participant in a remote site model as described in Section 86001(t)(34)(C).
- (b) The licensing agency shall have the authority to approve the use of a remote site model after considering a written plan submitted by the licensee that ensures at least the following:
  - (1) The remote site model shall be utilized with provisions for safe and adequate services, and shall not be detrimental to the health and safety of any participant.
  - (2) The licensee shall submit a written request to utilize the remote site model together with the following supporting information:
    - (A) Support may include, but is not limited to alternate and supplemental services, procedures, techniques, personnel, and staffing ratios that provide protective health and safety measures equal to those in the models described in Section 1559.110(d)(1) and (d)(2).
    - (B) Support shall consider the individual characteristics and maturity of the participant that renders this model safe and consistent with the participant's TILP.
- (c) The licensing agency shall, within 30 days of receipt of a written request to utilize a remote site model, do one of the following:
  - (1) Notify the licensee in writing that the written request is deficient and specify what additional information is needed; or
  - (2) Notify the licensee in writing whether the written request was denied or approved. A denial shall specify the reason(s) for denial
- (d) If the written request is denied at a level below the Regional Manager, the licensee has the right to request review by the Regional Manager, within 15 days of the date of the denial.
- (e) The Regional Manager shall review the denial and respond in writing to the written request and uphold or overturn the denial within 30 days of receipt of the request for review.

- (f) If the Regional Manager upholds the denial, the licensee has the right, within 15 days of the date of the Regional Manager's denial, to request, in writing, a final review by the Program Administrator.
- (g) The Program Administrator shall review and respond in writing to approve or deny the request to overturn the denial within 30 days.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1520, and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Adopt Section 86028 to read:

86028      CAPACITY DETERMINATION

86028

- (a)      In addition to Section 80028, a license shall be issued for a specific capacity based on the licensee's available or projected THPP participant living units and the Plan of Operation.
- (b)      A THPP licensee may request a change in capacity based upon the change in the number of available or projected THPP participant living units.

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1501 and 1531, Health and Safety Code.

Adopt Section 86030.5 to read:

86030.5 IDENTIFICATION OF TRANSITIONAL HOUSING  
PLACEMENT PROGRAM PARTICIPANT LIVING UNITS

86030.5

- (a) The administrator of the THPP, or his or her designee, shall complete and sign a Certificate of Compliance for each THPP participant living unit, as defined in Section 86001(c)(2), that verifies that the participant living unit meets the requirements of the Health and Safety Code Section 1501(b)(5).

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- (1) Section 1501(b)(5) of the Health and Safety Code states in pertinent part:

"(b)...[T]he Legislature declares it is the intent of the state to develop policies and programs designed to:

"...(5) insure that facilities providing community care are adequate, safe and sanitary;"

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- (b) The licensee shall retain this Certificate of Compliance for review by the Department.
- (c) The Certificate of Compliance shall include the following:
  - (1) The capacity for which each THPP participant living unit has been certified.
  - (2) Any limitations, including ambulatory status.
  - (3) Date of issuance.
  - (4) Date of expiration, not to exceed one year from the date of issuance.
  - (5) Statement that each THPP participant living unit meets licensing requirements as specified in these regulations.
- (d) Prior approval shall be obtained by the licensee from the licensing agency when a remote site model is planned as part of the program. The approval required pursuant to Health and Safety Code Section 1559.110(d)(3) must be obtained prior to the issuance of a Certificate of Compliance for any remote site unit.

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- (1) Health and Safety Code Section 1559.110(d)(3) states:

"Programs in which a participant lives independently in an apartment, single family dwelling, or condominium rented or leased by a provider under the supervision of the provider [may operate only] if the State Department of Social Services provides approval."

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- (e) A copy of the Certificate of Compliance shall be maintained in the licensee's administrative office.
- (f) Copies of the Certificate of Compliance shall also be maintained in the sub-administrative office responsible for the THPP participant living unit and/or the staff residential unit, if applicable
- (g) The Certificate of Compliance is not transferable and shall be void upon a change of location of the participant living unit.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1502, and 1559.115, Health and Safety Code; and Section 16522.1 Welfare and Institutions Code.

Adopt Section 86031.5 to read:

Post-hearing: Amend Section 86031.5(a) to read:

86031.5 NOTIFICATION

86031.5

- (a) The licensee shall notify the licensing agency when a THPP participant living unit is approved for use, and when a THPP participant living unit is no longer used.
- (b) The licensee shall provide the licensing agency with a list of all current addresses and telephone numbers of all THPP participant living units and THPP staff residential units. The licensee shall provide the licensing agency an updated list whenever a change is made.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, and 1559.115, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

Adopt Section 86036 to read:

Post-hearing: Amend Sections 86036(a), (b)(1) and (d)(2)(A) to read:

86036      APPLICATION PROCESSING AND ANNUAL LICENSE FEES      86036

- (a) ~~Notwithstanding~~ In addition to Section 80036, the Department, for the issuance of a THPP license or for processing the application, shall charge a fee adjusted by capacity.
- (b) After a license is issued, the Department shall charge a license fee annually on each anniversary of the effective date of the license.

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- (1) The fee shall be assessed as follows for a THPP:

Capacity	Application Processing and Annual Fees
1 – 6	<del>\$300</del> <u>\$375</u>
7 - 15	<del>\$450</del> <u>\$563</u>
16 - 49	<del>\$600</del> <u>\$750</u>
50 +	<del>\$750</del> <u>\$938</u>

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- (c) No additional fee shall be charged when the licensee requests an increase in capacity during that annual period.
- (d) The licensee shall be entitled to request a reduced fee if the capacity has been reduced and if both of the following apply:
- (1) The licensee notified the licensing agency before actually reducing capacity and relocating the THPP and
- (2) The categorical type of program remains the same when relocating the THPP.

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- (A) The fee shall be requested by capacity at the new location as follows:

Capacity	Relocation
1 – 6	<del>\$150</del> <u>\$185</u>
7 - 15	<del>\$225</del> <u>\$282</u>
16 - 49	<del>\$300</del> <u>\$376</u>
50 +	<del>\$375</del> <u>\$469</u>

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- (e) The application-processing fee shall be nonrefundable except as provided in Government Code Section 15378.

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- (1) Government Code Section 15378(b) states in pertinent part:

"The regulations shall provide for the full reimbursement of any and all filing fees paid by a permit applicant whose application was not processed within the time limits adopted by an agency pursuant to this chapter, and whose appeal to the secretary or agency head was decided in the applicant's favor. The appeal shall be decided in the applicant's favor if the state agency has exceeded its established maximum time period for issuance or denial of the permit, the agency has complied with any notice and hearing requirements, and the agency has failed to establish good cause for exceeding the time period pursuant to subdivision (h) of Section 15376. Information regarding the appeal process shall be included in the permit application forms issued by the agency."

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Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1523.1 and 1524, Health and Safety Code; and Section 15378, Government Code.

Adopt Article 4 and Section 86044 to read:

Article 4. Administrative Actions

86044      INSPECTION AUTHORITY OF THE LICENSING AGENCY      86044

- (a)      In addition to Section 80044, the licensing agency has the authority to inspect the administrative office, sub-administrative office, the THPP participant living units, and the THPP staff residential units that also house or allow access to THPP participants, in compliance with Health and Safety Code Sections 1533, 1534 and 1538.

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1501, 1509, 1526.5, 1531, 1533, 1534, and 1538, Health and Safety Code.

Adopt Section 86044.5 to read:

86044.5 DECERTIFICATION AUTHORITY OF THE LICENSING AGENCY 86044.5

- (a) When the licensing agency determines that the THPP participant living unit is not in compliance with applicable statutes and regulations, the licensing agency may decertify the THPP participant living unit.
- (b) When the licensing agency determines that the THPP staff residential unit, which may house or allow access to THPP participants, is not in compliance with applicable statutes and regulations, the licensing agency may require the licensee to discontinue use of the staff residential unit.
- (c) The licensee may appeal the decertification to the Department in writing and be provided with an administrative hearing pursuant to Section 1551 of the Health and Safety Code.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, 1551, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Adopt Section 86045 to read:

Post-hearing: Amend Section 86045(c)(1) by removing “Handbook” designation to read:

86045 EVALUATION VISITS

86045

- (a) The licensing agency shall have the authority to inspect the participant living unit used by the THPP as often as necessary to ensure the quality of care being provided.
- (b) The licensing agency shall select the participant living units to be inspected.
- (c) A representative of the THPP may accompany the licensing evaluator on an evaluation inspection.

~~HANDBOOK BEGINS HERE~~

- (1) For complaint investigations, the licensing agency shall determine whether to have a THPP representative accompany the licensing evaluator.

~~HANDBOOK ENDS HERE~~

- (d) The THPP shall inform the THPP participant of the licensing agency authority to conduct inspections of the participant living unit as provided by Health and Safety Code Section 1534.

Authority cited: Section 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1509, 1530, 1533, 1534, and 1538, Health and Safety Code.

Adopt Article 5 to read:

Article 5. Enforcement Provisions (Reserved)

Adopt Article 6 and Section 86061 to read:  
Post-hearing: Amend Section 86061(a)(4) to read

## Article 6. Continuing Requirements

### 86061 REPORTING REQUIREMENTS

86061

(a) In addition to Section 80061, the following shall apply:

- (1) All THPP personnel, volunteers, licensees, and child care custodians are required to report suspected child abuse and neglect to a child protective agency and this licensing agency in accordance with Penal Code Section 11164 et seq.
  - (A) All THPP personnel and volunteers, licensees, and child care custodians shall sign a statement acknowledging their reporting responsibilities.
- (2) The licensee shall notify the THPP participant's authorized representative and placement entity when it is necessary to relocate the participant.
- (3) The licensee shall notify the THPP participant's authorized representative and placement entity no later than the next working day when the participant has been removed from the THPP participant living unit under emergency circumstances without the authorized representative's participation.
  - (A) Within three working days following relocation, the licensee shall notify the THPP participant's authorized representative and placement entity of the THPP participant's new address and telephone number.
- (4) The licensee shall notify the THPP participant's authorized representative and placement entity of all incidents reported to the licensing agency as required in Section 80061(b)(1)(A) through (J).
- (5) The licensee shall notify the licensing agency, within ten working days, of a change of administrator. The notification shall include the following:
  - (A) The name and mailing and residence address of the new administrator;
  - (B) Date the administrator assumed the position;
  - (C) Verification of the administrator's required education, experience and qualifications.

- (6) The licensee shall report to the licensing agency, the participant's authorized representative, and placement entity within 24 hours, any unexplained absence of a THPP participant, unless otherwise specified in the participant's needs and services plan.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, 1538, and 1538.5, Health and Safety Code.

Adopt Section 86064 to read:

Post-hearing: Amend Sections 86064(a)(1), and (a)(2)(A) and (B) to read:

86064 ADMINISTRATOR QUALIFICATIONS AND DUTIES

86064

(a) In addition to Section 80064, the following shall apply:

(1) All licensees shall have an administrator who meets one of the following requirements:

- (A) Have A a Master's Degree in a behavioral science from an accredited graduate school, as defined in Section 94304~~2~~ of the Education Code, or a state-approved graduate school. graduate program approved by the California Private Post-Secondary and Vocational Education Bureau. The Master's Degree shall be in social work or social welfare, marriage, family and child counseling, counseling psychology or human services degree. In addition, the administrator shall have documented ability and leadership through a minimum of three years of experience in the field of child or family services, two years of which have been in an administrative or managerial position plus at least one year of administrative experience or supervisory experience over social work, child care, or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of six or more.
- (B) Have a Master's Degree in a behavioral science from an accredited college or university, as defined in Section 94302 of the Education Code, plus two years of employment as a social worker, in an agency serving children or in a group residential program for children in an agency or in a community care facility with a licensed capacity of six or more.
- (~~BC~~) Have A a Bachelor's Degree in a behavioral science from an accredited college or university, as defined in Section 94302 of the Education Code, plus at least three years administrative experience or supervisory experience over social work, child care, or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of six or more. In addition, the administrator shall have demonstrated ability and leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
- (D) Education Code Section 94302(a) defines accredited, in part, as:



HANDBOOK BEGINS HERE

“(a) “Accredited” means that an institution has been recognized or approved as meeting the standards established by an accrediting agency recognized by the United States Department of Education, or the committee of bar examiners for the State of California....”

HANDBOOK ENDS HERE

- (2) The administrator shall be responsible for the operation of the THPP.
  - (A) The administrator shall be present or readily available in the THPP ~~at least twenty hours per week~~ during regular business hours (e.g. 8:00 a.m. to 5:00 p.m.).
  - (B) ~~At all other times w~~When the administrator is ~~unavailable~~ absent during regular business hours, from the THPP, there shall be coverage by the administrator's designee. If the designee does not meet the administrator qualifications there shall be immediate access to the administrator or someone who meets the administrator requirements. The administrator's designee shall have:
    - 1. Knowledge of the THPP operations.
    - 2. Training in programs provided by the THPP.
    - 3. Authority to correct deficiencies that constitute immediate threats to the health and safety of children in the THPP.
- (3) Additional duties of the administrator shall include:
  - (A) Appointing and dismissing staff.
  - (B) Organizing and administering a program of staff development for all staff.
- (4) The administrator may also serve in another personnel capacity, provided he or she meets the applicable qualifications of both positions.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, and 1559.115, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Section 943042, Education Code.

Amend Section 86065 to read:

Post-hearing: Amend Sections 86065(a)(1) and (2) to read:

86065 PERSONNEL REQUIREMENTS

86065

(a) In addition to Section 80065, excluding Subsections 80065(c) and (e) the following shall apply:

(1) All THPP personnel shall, at a minimum, receive training that provides knowledge of and skill in the following areas, as evidenced by safe and effective job performance:

(A) All THPP personnel shall complete a minimum of one-hour training in the area of child abuse identification and reporting.

(2) All THPP personnel shall, at a minimum, receive training about the characteristics of persons 16 - 21 years of age, placed in long-term foster care pursuant to Welfare and Institutions Code Section 16522.1(c).

HANDBOOK BEGINS HERE

(A) Welfare and Institutions Code Section 16522.1(c) states:

“A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.”

HANDBOOK ENDS HERE

(3) The THPP shall employ personnel necessary to perform the duties as follows:

(A) An administrator as specified in Section 86064.

(B) A social work supervisor as specified in Section 86065.2.

(C) Social work personnel as specified in Section 86065.3.

(4) The THPP shall have qualified social work personnel available on a 24-hour basis to respond to any emergency.

(5) The THPP shall employ or retain qualified consultants necessary to implement the plan of operation.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1506, 1531 and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code; ~~and Section 94301 Education Code.~~

Adopt Section 86065.2 to read:

Post Hearing: Amend Sections 86065.2(b)(1) and (b)(2)(C) to read:

86065.2 SOCIAL WORK SUPERVISOR

86065.2

- (a) Each social work supervisor in a THPP shall be responsible for, but not limited to, the following duties:
  - (1) Orientation and training of new social work personnel.
  - (2) Review and oversight of assigned social work personnel to ensure compliance with applicable laws, regulations, policies and procedures.
- (b) Social work supervisors shall meet the following education and experience requirements:
  - (1) A Master's Degree from an accredited or state-approved graduate school, as defined in Section 94304~~2~~ of the Education Code, or a graduate program approved by the California Private Post-Secondary and Vocational Education Bureau in one or more of the following areas:
    - (A) Social work or social welfare;
    - (B) Marriage, family and child counseling;
    - (C) Child psychology, child development;
    - (D) Counseling psychology, social psychology;
    - (E) Clinical psychology or Educational psychology, consistent with the scope of practice as described in Section 4986.10 of the Business and Professions Code;
    - (F) Education with a counseling emphasis; or
    - (G) Equivalent Master's Degree in human services or behavioral science degree as determined by the Department.
  - (2) In addition to the degree specifications, all of the following coursework and field practice or experience shall be completed prior to employment:
    - (A) At least three semester units or 100 days of internship, field practice or experience in a public or private social service agency setting at the Master's Degree level.
    - (B) At least nine semester units of coursework related to children and families or 18 months experience working with children and families.

- (C) At least three semester units in working with minority populations; or six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
  - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (3) Three years of full-time social work or casework employment in the field of family or child welfare services.
- (c) Documentation of the completed education and experience requirements shall be maintained in the personnel file.
- (d) The licensing agency may approve a waiver of this section when a county is the licensee and county department of social services or probation department personnel performs the duties of the social work supervisor.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1506, 1531, and 1559.115, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Section 9430+~~2~~2, Education Code.

Adopt Section 86065.3 to read:

Post-hearing: Amend Sections 86505.3(b)(1); (c)(2) and (c)(3); (e), (e)(1), (e)(2), and (e)(3) to read:

86065.3 SOCIAL WORK PERSONNEL

86065.3

- (a) Social work personnel shall be employed to provide the social services of the THPP.
- (b) Social work personnel shall meet the following education and experience requirements:
  - (1) Master's Degree from an accredited ~~or state-approved~~ graduate school, as defined in Section 94304~~2~~ of the Education Code or a graduate program approved by the California Private Post-Secondary and Vocational Education Bureau, in one of the following areas:
    - (A) Social work or social welfare;
    - (B) Marriage, family and child counseling;
    - (C) Child psychology, child development;
    - (D) Counseling psychology, social psychology;
    - (E) Clinical psychology or Educational psychology, consistent with the scope of practice as described in Section 4986.10 of the Business and Professions Code;
    - (F) Education with an emphasis on counseling; or
    - (G) Equivalent Master's Degree in human services or behavioral science degree as determined by the Department.
- (c) In addition to the degree specifications, all of the following coursework and field practice or experience shall be completed prior to employment:
  - (1) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.
  - (2) At least nine semester units of coursework related to children and families ~~of~~ 18 months of experience working with children and families.
  - (3) At least three semester units in working with minority populations; or six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.

- (4) At least three semester units in child welfare, or two years of experience in a public or private child welfare social services setting.
- (d) Documentation of the required education and experience requirements shall be maintained in the personnel file.
- (e) For social work personnel who do not meet the Master's Degree requirements specified in ~~Subsection~~ 86065.3(~~eb~~)(1) above, the licensee may apply to the Department for an exception, if all of the following exist:
  - (1) A supervisor who meets the requirements of Section 86065.2 supervises the social work personnel.
  - (2) The social work personnel have completed the coursework and field practice or experience requirements specified in ~~Subsection~~ 86065.3(c) above.
  - (3) The personnel in question have at least a ~~b~~Baccalaureate ~~d~~Degree in a human services or a behavioral science from an accredited school.
- (f) Social work personnel shall be responsible for the following:
  - (1) Evaluation and assessment of the eligible youth for participation in the THPP program.
  - (2) Supervision of the placement of participants in the THPP participant living unit.
  - (3) Development and updating of the needs and services plan of THPP participants.
  - (4) Provision of support services to THPP participants.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1506, 1531, and 1559.115, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Section 94304~~2~~, Education Code.

Adopt Section 86065.4 to read:

86065.4 SOCIAL WORK SUPERVISOR/SOCIAL WORKER RATIO

86965.4

(a) The THPP shall employ:

- (1) One full-time social work supervisor for every eight social workers, or fraction thereof.
- (2) A social work supervisor may function as a social worker when fewer than eight social workers are supervised and the supervisor shall be allowed to carry only three cases in place of supervising one social worker.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1530 and 1531, Health and Safety Code.



Adopt Section 86065.5 to read:

Post-hearing: Amend Section 86065.5 to read:

86065.5 SOCIAL WORKER RATIOS

86065.5

- (a) The THPP shall ~~employ one full-time~~ have a social worker for every 25 participants or fraction thereof in placement on call 24 hours per day.
- (b) The THPP shall employ the equivalent of one full-time social worker for every 25 participants.
- (b) Regardless of how many THPPs or other facilities a No social worker is employed by, shall have more than 25 participants in his or her entire caseload shall not exceed 25.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

Adopt Section 86066 to read:

86066 PERSONNEL RECORDS

86066

(a) In addition to Section 80066, the following shall apply:

(1) The THPP shall maintain the following personnel records:

- (A) Documentation that THPP personnel have completed the required training.
- (B) Documentation that THPP personnel meet the education and experience requirements.
- (C) A record of THPP personnel annual performance evaluations.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Adopt Section 86068.1 to read:

86068.1 INTAKE PROCEDURES

86068.1

- (a) The THPP shall develop, maintain and implement intake procedures that meet the requirements specified in Welfare and Institutions Code Section 16522.1.
- (b) Upon placement, THPP social work personnel shall obtain the following:
  - (1) The needs and services plan and transitional independent living plan (TILP) as specified in Section 86068.2;
  - (2) Other information specified in Section 80070;
  - (3) Signed admission agreement, as specified in Section 80068.
- (c) THPP social work personnel shall review the information and determine:
  - (1) The THPP's ability to meet the individual needs of the participant;
  - (2) The THPP's ability to continue meeting the needs of other participants in placement.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1507, and 1559.110, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Adopt Section 86068.2 to read:

Post-hearing: Amend Sections 86068.2(a) and (a)(8) to read:

86068.2 NEEDS AND SERVICES AND TRANSITIONAL  
INDEPENDENT LIVING PLAN (TILP)

86068.2

- (a) At the time of placement, the THPP social work personnel in consultation with the authorized representative shall ~~complete~~ commence a needs and services plan for each participant. The needs and services plan describes the following:
- (1) Participant's name;
  - (2) Age;
  - (3) Physical limitations;
  - (4) History of infections or contagious diseases;
  - (5) History of other medical, emotional, behavioral and physical problems;
  - (6) Ability of participant to manage his or her own cash resources;
  - (7) Visitation, including limitations on visits to the family residence and other visits inside and outside the transitional housing unit;
  - (8) Limitations on written and telephonic communication, if ordered by a court;
  - (9) Current service needs;
  - (10) Planned length of placement.
  - (11) Any applicable collateral needs appraisals or individualized program plans completed by the placement agency or consultant.
  - (12) Plans for providing services to meet the individual needs identified above.
  - (13) Signature of the participant's authorized representative.
  - (14) Signature of the participant.
- (b) Social work personnel shall obtain and utilize the TILP in completing the needs and services plan.
- (1) If the THPP is unable to obtain the TILP, the participant's file shall document the efforts to obtain the TILP.

- (c) The needs and services plan shall be completed within 30 calendar days from the date of placement in the transitional housing unit.
- (d) The THPP shall provide the participant and his/her authorized representative with a copy of the modified needs and services plan.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Sections 16001.9 and 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

Adopt Section 86068.3 to read:

86068.3 MODIFICATIONS TO NEEDS AND SERVICES AND  
TRANSITIONAL INDEPENDENT LIVING PLANS

86068.3

- (a) The needs and services plan and TILP specified in Section 80068.2 shall be reviewed at least every six months to determine the following:
  - (1) The participant's need for continuing services;
  - (2) The need for modification in services.
    - (A) All needs for modification shall be documented in writing.
    - (B) If it is determined that the TILP requires modification, THPP social work personnel shall contact the participant's authorized representative to request a new TILP.
- (b) The licensee shall ensure the participant and his or her authorized representative are offered the opportunity to participate in each review.
  - (1) Modifications of the needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the participant's authorized representative.
- (c) The THPP shall provide the participant and his/her authorized representative with a copy of the modified needs and services plan.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

Adopt Section 86068.4 to read:

86068.4 REMOVAL AND/OR DISCHARGE PROCEDURES

86068.4

- (a) The licensee shall develop, maintain and implement written policies and procedures governing a THPP participant's removal and/or discharge from a THPP.
  - (1) Pursuant to Welfare and Institutions Code Section 16522.1(h)(21), grounds for termination may include, but shall not be limited to, illegal activities or harboring runaways.
- (b) The licensee shall ensure the participant and his/her authorized representative are offered the opportunity to participate in the development of a discharge plan for the participant.
  - (1) The THPP shall provide the participant and his/her authorized representative with a copy of the discharge plan.
- (c) When the licensee determines the THPP can no longer meet the needs of the participant, the licensee shall notify the authorized representative of the determination and provide written notification that the participant shall be removed within seven days.
- (d) THPP personnel shall not prevent the removal of the participant from the THPP participant living unit under emergency circumstances by an authorized representative.
  - (1) Emergency circumstances include but are not limited to:
    - (A) Removal by law enforcement officer(s) when a participant is arrested or when the participant in the home is endangered by his/her continued presence in the home;
    - (B) Removal for emergency medical or psychiatric care;
    - (C) Relocation by the participant's authorized representative.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Adopt Section 86070 to read:

Post-hearing: Amend Section 86070(b)(6) to read:

86070 PARTICIPANT RECORDS

86070

- (a) In addition to Section 80070, the following shall apply:
- (b) Each THPP participant's record shall contain at least the following:
  - (1) Copy of important documents, including but not limited to a certified birth certificate; a social security card; an identification card and/or driver's license; a proof of citizenship or residency status (for undocumented aliens, receipt of a completed application for Special Immigrant Juvenile Status (SIJ) pursuant to 8 C.F.R. Section 204.11 or other naturalization process); death certificate(s) of parent or parents; a proof of county dependency status for education aid applications; school records; immunization records; medical records; a Health and Education Passport; a work permit; written information concerning the child's dependency case including: information about the child's family history; the child's placement history; the names, phone numbers and addresses of siblings and other relatives; the procedures for inspecting the documents described under Welfare and Institutions Code Section 827; information regarding jurisdiction termination hearings and the potential consequences of a failure to attend the participant's birth certificate, if available.
  - (2) Date of placement in the THPP participant living unit.
  - (3) Name, address and telephone number of person(s) to be contacted in an emergency when the participant's authorized representative cannot be contacted.
  - (4) Name of the participant's current employer and current phone number and address of employment.
  - (5) Written consent that authorizes the licensee to obtain other than ordinary medical and dental care in an emergency when the authorized representative is unavailable.
  - (6) Names of all persons ~~authorized~~ specifically prohibited pursuant to Welfare and Institutions Code Sections 16001.9(a)(6) and (7) to take the participant out of the THPP participant living unit.
  - (7) Religious preference and the name and address of clergyman or religious advisor if any.
  - (8) A copy of the participant's needs and services plan and TILP and any modifications.



- (9) A record of the continuing health needs and services received while the participant is in the THPP, including but not limited to, physical therapy and counseling.
- (c) A copy of the participant's child(ren)'s record shall be maintained in the THPP office and staff residential unit, if applicable.
- (d) When the participant is transferred from the program, the original or photographic reproduction of the participant's and the participant's child(ren)'s record shall be:
  - (1) Given to the participant's primary placing agency, and;
  - (2) A copy to any other participant authorized representative, if applicable, and;
  - (3) The participant.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1507, and 1531, Health and Safety Code; Sections 16001.9 and 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

Amend Section 86072 to read:

Post-hearing: Amend Sections 86072(a), (d)(1), and (d)(19) to read:

86072      PERSONAL RIGHTS

86072

- (a) ~~Notwithstanding~~ In addition to Section 80072, the following shall apply:
- (b) The licensee shall ensure that each participant is accorded the personal rights specified in this section.
- (c) Each participant, and his/her authorized representative, shall be personally advised and given at admission a copy of the rights specified below.
- (d) Each participant shall have personal rights, which include but are not limited to the following:
  - (1) To be accorded the greatest level of independence consistent with safety and the participant's ability and maturity level as outlined in the participant's Needs and Services Plan or TILP in order to prepare the participant for self-sufficiency.
  - (2) To be accorded safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs.
  - (3) To be treated with respect and to be free from physical, sexual, emotional or other abuse.
  - (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
  - (5) To receive necessary medical, dental, vision, and mental health services.
  - (6) To contact Community Care Licensing Division of the State Department of Social Services regarding violations of rights, to speak to representatives of the office confidentially and to be free from threats or punishments for making complaints.
  - (7) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors and friends.
  - (8) To contact family members, unless prohibited by court order.
  - (9) To visit and contact brothers and sisters, unless prohibited by court order.

- (10) To contact social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (11) To have visitors, provided the rights of others are not infringed upon.
- (12) To attend religious services and activities of his or her choice.
- (13) To be free to attend court hearings and speak to the judge.
- (14) To have all his/her juvenile court records be confidential, consistent with existing law.
- (15) To be accorded dignity in his/her personal relationships with other persons in the home.
  - (A) To be free from unreasonable searches of person.
  - (B) To be free from unreasonable searches of personal belongings.
- (16) To have visitors as specified by the licensee's policies, in accordance with Welfare and Institutions Code Section 16522.1(h), including:
  - (A) Relatives, including parents unless prohibited by court order or by the participant's authorized representative.
  - (B) Authorized representative and placing agency.
  - (C) Other visitors unless prohibited by court order or by the participant's authorized representative or placing agency.
- (17) To possess and control his/her own cash resources unless otherwise agreed to in the participant's needs and services or TILP and by the participant's placing agency and authorized representative.
- (18) To possess and use his/her own personal possessions, including toilet articles.
- (19) To have access to a telephone to make and receive confidential calls.
  - (A) ~~The licensee shall be permitted to require reimbursement for long distance calls from the participant and his or her authorized representative.~~
  - (B) ~~The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received.~~
- (20) To send and receive unopened correspondence.

- (21) In addition to the personal rights as specified in this section, all participants shall be entitled to all personal rights specified in Welfare and Institutions Code Section 16001.9.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, Health and Safety Code; Sections 16001.9, 16500, and 16522.1, Welfare and Institutions Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Adopt Section 86073 to read:

86073 TELEPHONE SERVICE

86073

(a) In addition to Section 80073 the following shall apply:

- (1) The licensee shall ensure that the THPP administrative office, sub-administrative office, staff residential living unit and the participant living unit have telephone service on the premises at all times.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1; Welfare and Institutions Code.

Adopt Section 86074 to read:

Post-hearing: Amend Sections 86074(a) and (a)(1) to read:

86074      TRANSPORTATION

86074

(a)      In addition to Section 80074, the following shall apply:

- (1)      When transporting participants, the licensee shall ensure the participants and ~~his or her own~~ the participant's children are secured in a safety restraint system in accordance with Vehicle Code Sections 27315(e) and 27360(a).

HANDBOOK BEGINS HERE

(A)      Vehicle Code Section 27315(e) provides in part:

No person 16 years of age or over shall be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt.

(B)      Vehicle Code Section 27360(a) provides in part:

No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward to be transported upon a highway in the motor vehicle without providing and properly securing the child or ward, in a passenger restraint system meeting applicable federal motor vehicle safety standards....

HANDBOOK ENDS HERE

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1501 and 1531, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Sections ~~27630~~ 27315 and 27360, Vehicle Code.

Adopt Section 86075 to read:

Post-hearing: Amend Sections 86075(a) and (b) to read:

86075 HEALTH-RELATED SERVICES

86075

- (a) ~~Notwithstanding~~ In addition to Section 80075, the licensee shall ensure that:
- (b) Each THPP participant shall receive all ~~needed~~ necessary medical, ~~and dental, vision and mental health~~ services.
- (c) The THPP participant's physician has stated, in writing, that the THPP participant is able to determine and administer his/her own prescription or nonprescription PRN medication.
- (d) First aid supplies shall be maintained in the THPP participant living unit and staff residential unit.
  - (1) Supplies shall include at least the following:
    - (A) Current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.
    - (B) Sterile first aid dressings.
    - (C) Bandages or roller bandages.
    - (D) Adhesive tape.
    - (E) Scissors.
    - (F) Tweezers.
    - (G) Thermometers.
    - (H) Antiseptic solution.
  - (2) THPP employees responsible for providing direct care and supervision of participants shall receive training in CPR and First Aid, and should maintain an age appropriate certification in CPR from persons qualified to provide such training.
  - (3) Participants with children residing in the living unit shall receive training in First Aid and an age appropriate CPR from persons qualified to provide such training.
  - (4) Proof of successful completion of training and current certification shall be maintained in the personnel and participants' records.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1507, 1522.42, and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.



Amend Section 86078 to read:

Post-hearing: Amend Section 86078(a)(2) to read:

86078      RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION      86078

(a)      Notwithstanding Section 80078, the following shall apply:

- (1)      The licensee shall provide those services identified in the THPP participant's needs and services plan and transitional independent living plan as necessary to meet the participant's needs.
- (2)      The licensee is responsible for ensuring that the THPP participant provides care and supervision ~~of his or her~~ for the participant's child(ren).
- (3)      No social work staff shall have participants who are located more than two hours' travel by automobile from the THPP office in their caseload.

(b)      The licensing agency retains the authority to require additional staff, including social workers when the agency determines it is necessary to provide for the appropriate care and supervision of the participants.

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

Adopt Article 7 and Section 86087 to read:  
Post-hearing: Amend Sections 86087(a) and (b) to read:

Article 7. Physical Environment

86087 BUILDINGS AND GROUNDS

86087

(a) ~~Notwithstanding~~ In addition to Section 80087, the following shall apply.

(1) The licensee shall ensure the THPP participant living unit meets, at a minimum, the following requirements:

(A) No more than two THPP participants shall share a bedroom.

(B) THPP participants of the opposite sex shall not share a bedroom.

(C) No area commonly used for other purposes shall be used as a bedroom.

(1) Such areas include but are not limited to halls, stairways, unfinished attics or basements, garages, storage areas or sheds, or similar detached buildings.

(D) No bedroom shall be used as a public or general passageway to another room.

(1) When the THPP participant living unit is a studio apartment, the licensing agency may grant an exception pursuant to Section 80024(b) only when the studio apartment is occupied exclusively by the THPP participant, or the participant and his or her own child(ren).

(b) ~~Notwithstanding Section 86087(b)(3), a~~ A THPP participant may share a bedroom with his or her own child(ren), regardless of the ages of the participant and his or her own child(ren).

(1) THPP participants shall not share a bedroom with an adult who is not a THPP participant unless the adult is a THP-Plus participant.

(2) The licensing agency may approve an exception when all of the following conditions are met:

(A) Two minor THPP participants have been sharing a bedroom and one of the participants turns 18 years of age;

- (B) One of the participants otherwise meets all of the requirements of Welfare and Institutions Code Section 11403;
  - (C) Both are participants;
  - (D) The participants remain compatible.
- (3) Subsections 86087(a)(1)(A) through 86087(b)(4) apply to all bedrooms used by all persons residing in the THPP, including the participants in placement and their own children, and the THPP employees.
- (4) THPP employees shall not share a bedroom with THPP participants.
- (c) When a THPP participant has a disability, the licensee shall make necessary specific provisions, including but not limited to, alterations to the building and grounds as required to protect and to assist the participant and maximize the participant's potential for self sufficiency.
- (d) Notwithstanding Section 80087(h), firearms and other weapons shall not be stored in the THPP participant living units.
- (e) Notwithstanding Section 80087(h), disinfectants, cleaning solutions, poisons and other items that could pose a danger when accessible shall be stored where inaccessible when the following conditions exist:
  - (1) The child(ren) of a THPP participant resides in the THPP participant living unit; or,
  - (2) When required by a participant's needs and services plan.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, and 1559.110, Health and Safety Code; and Section 16522.1 Welfare and Institutions Code.

Adopt Section 86087.1 to read:

Post-hearing: Amend Sections 86087(b)(3) and (d) to read:

86087.1 ADMINISTRATIVE OFFICE/SUB-ADMINISTRATIVE OFFICES 86087.1

- (a) The THPP licensee shall maintain an administrative office that provides privacy for confidential interviews.
  - (1) All participant records shall be maintained in a secure area or locked file cabinets in the administrative office.
  - (2) Copies of confidential records maintained in a THPP staff residential unit shall be kept in a secure area or in a locked file cabinet.
- (b) The administrative office shall maintain the following records:
  - (1) Participant records;
  - (2) Personnel records; and
  - (3) Listing of all THPP participant and living units, as specified in Welfare and Institutions Code Section 16522.1(a).
- (c) The administrative office shall not be located more than two hours' travel by automobile from the THPP participant living units.
- (d) ~~Pursuant to Section 86078(a), a~~ A sub-administrative office shall meet all of the same requirements of Sections 86087.1(a) through (c) above.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

Amend Section 86088 to read:

86088      FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES

86088

(a)      Notwithstanding Section 80088, the following shall apply:

- (1)      The licensee shall ensure that each THPP participant living unit and the THPP staff residential unit which also may house or allow access to THPP participants, has at least one toilet, sink and tub or shower, all in working order.
- (2)      The licensee shall ensure that each THPP participant and his or her minor child(ren) are provided with household essentials including, but not limited to: cooking utensils, furniture, equipment, supplies, and linens.
  - (A)      All of the essential items above shall be age and developmental stage appropriate to the participants and his/her children as applicable.

Authority cited:    Sections 1530 and 1559.110, Health and Safety Code.

Reference:          Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.